

**RECEIVED**

MAY 02 2024

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY                      CLERK**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION****FILED**

May 02, 2024

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXASBY:                      **klw**  
DEPUTY

---

**UNITED STATES OF AMERICA,** :*Plaintiff,* : No. 1:23-cv-00853-DAE

v.

: **MOTION****GREG ABBOTT, in his capacity as****GOVERNOR OF THE STATE OF TEXAS,** :**and THE STATE OF TEXAS,** April 29, 2024*Defendants.* :

---

**MOVANT'S MOTION FOR APPOINTMENT OF SPECIAL MASTER**

The Movant, Robert A. Heghmann, hereby Moves for the appointment of **Naval Medical Research Unit SOUTH**, formerly known as **Naval Medical Research Unit Six**, a biomedical research laboratory of the U.S. Navy located in Lima, Peru. It is the only U.S. military command located in South America. Its mission is to identify infectious disease threats of military and public health importance and to develop and evaluate interventions and products to mitigate those threats.

Implementation of NAMRU SOUTH's mission is via threefold means:

1. to investigate prophylactic agents such as vaccines and pharmaceuticals against tropical infectious diseases which cause severe mortality or morbidity to the US military member in the deployed environment. Generally the focus of study is "orphan" illnesses with little or no investment by major pharmaceutical companies and includes parasitic infection such as malaria and leishmaniasis, viral diseases such as dengue fever and other arboviruses, and bacterial illnesses like traveler's diarrhea (campylobacter, shigella).

2. to augment public health and military medical infrastructure of host and partner nations by assisting in surveillance of outbreaks and providing laboratory surge capacity during pandemics.
3. to provide assistance in training host nation scientists in epidemiologic techniques or modern laboratory molecular biology methods. Via these collaborations with partner nations, the NAMRU gets to conduct research on diseases that threaten troops on deployment but are not commonly seen in the US, and to get advanced notice of impending pandemics such as avian influenza that might affect military operational readiness.

The need for a Special Master is clear in this case. At the center of the controversy in this case is a Report of then Navy Medical Unit # 6, the precursor to NAMRU SOUTH, which described the link between the EV D 68 virus being brought to the U.S. by Unaccompanied Minor Childre which contained two strains of Polio and the New Polio outbreak in the U.S. That Report as well as other Medical Reports are currently before this Court in the Movant's Motion for Declaratory Judgment, Dkt. # 110 and Appendix, Dkt. # 112. This Court is going to need an independent medical expert to resolve different arguments over the impact of D 68 and the health care crisis facing the State of Texas. There could be no better independent Special Master to advise the Court than NAMRU SOUTH.

The powers authorizing appointment of special masters derive from Rule 53 of the Federal Rules of Civil Procedure. Under this rule, the court may appoint a special master to: perform duties "consented to" by the parties; hold trial proceedings and make or recommend findings of fact on issues to be decided without a jury if appointment is warranted by "some exceptional condition" or address pre-trial and

post-trial matters “that cannot be effectively and timely addressed” by a judge of the court. District courts have discretion to appoint special masters to address any role the court believes would expedite the litigation and achieve a just resolution.

The Movant believes that the appointment of a Special Master is absolutely essential to achieve a just resolution in this case.

Dated: April 29, 2024



Robert A. Heghmann

P.O. Box 2108

Leander, Texas 78646

[Bob\\_Heghmann@Reagan.com](mailto:Bob_Heghmann@Reagan.com)

### **CERTIFICATION**

The Movant hereby certifies that a copy of this Motion for Appointment of a Special Master was served upon the counsel for the United States and the State of Texas by U.S. Mail, Postage-Prepaid on April 29, 2024 at the following addresses:

#### **The United States**

Andrew D. Knudsen

U.S. Department of Justice

P.O. Box 7611

Washington, D.C. 20044

Mary F. Kruger

U. S. Attorney's Office

601 NW Loop 410, Suite 600

San Antonio, TX 78216

State of Texas

Kyle Stephen Tebo

Office of the Attorney General

P.O. Box 12548

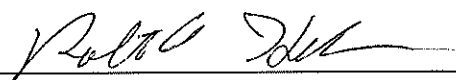
Austin, TX 78711-2548

Jacob Edward Przada

Office the Attorney General

P.O. Box 12548

Austin, TX 78711-2548



---



Expected delivery date  
Domestic shipments  
USPS Tracking® service  
Limited international  
When used international  
Insurance does not cover  
Domestic Mail Manual at http://www.usps.gov  
See International Mail Manual

FLAT RATE  
RATE ANY W  
TRACKED

PS00001000014



EP14F July 2022  
OD: 12 1/2 x 9 1/2

USPS.COM/PICKUP



**P**

**US POSTAGE PAID**  
**\$9.85**  
Origin: 76559  
04/29/24  
4664300502-30

**PRIORITY MAIL®**

EXPECTED DELIVERY DAY: 05/01/24

0 Lb 2.10 Oz  
**RDC 03**

**C006**

SHIP TO:

STE 1100  
501 W 5TH ST  
AUSTIN TX 78701-3812

USPS TRACKING® #



9505 5139 7722 4120 3212 91



kip,

Y®

tinations.

e.

**FROM:**

Robert Hegarty  
P.O. Box 2108  
Lubbock, Texas  
78646-2108

**TO:**

Clark, U.S. District Court  
501 W. 5th Street  
Suite 1100  
P.O. Box 78701  
78701